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7 Attorney for Debtor

8 UNITED STATES BANKRUPTCY COURT
9 EASTERN DISTRICT OF CALIFORNIA
10 (Sacramento Division)

11 In the Matter of

12 AERY J. UPTON

13 Debtor.

14 Case No. 07-20072-E-13L
15 DC No. SdB-3

16 EX PARTE MOTION FOR ORDER
17 ALLOWING DEBTOR TO
18 BORROW MONEY

19 Date: None Required
20 Time: None Required

21 1. The Debtor hereby moves the Court for an order authorizing Debtor to
22 enter into a loan agreement.

23 2. The loan is to pay unanticipated post-petition tax liabilities that arose
24 through an audit and are based upon a clerical error and the reporting of income by
25 Debtor's former attorney which Debtor disputes.

26 3. The terms of the loan are: \$5,000.00; \$164.00 for the monthly payments
27 on this contract and 9.900% for the annual percentage rate of interest.

28 4. The Debtor certifies that:

a. all payments required by the plan are current;

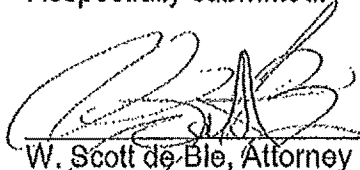
b. the plan is not in default;

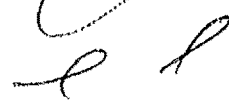
c. Schedules I and J filed within 30 days of the motion reflect that Debtor

1 has the ability to pay all future plan payments and projected living and business
2 expenses,as well as repay the new debt;
3 d. The new debt is a single loan incurred to pay income taxes that arose
4 through no fault or error by the Debtor, the payment of which is necessary for the
5 continuation of Debtor's plan and an effective reorganization.
6 e. The only security for the new debt will be Debtor's 2002 Cadillac
7 Escalade;
8 f. The new debt does not exceed \$5,000.00.

9 I certify that the above information is true, under penalty of perjury.

10 Respectfully submitted:
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13 Dated: 5/20/10
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16 Dated: 5-21-10
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W. Scott de Ble, Attorney for Debtor


Neil Enmark, Attorney for Trustee